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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,878	12/07/2001	Tommy Lindblad	19378.0019	7977

23517 7590 06/28/2006

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EXAMINER
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PHAN, HANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,878	<b>Applicant(s)</b> LINDBLAD, TOMMY	
	<b>Examiner</b> Hanh Phan	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 04/07/2006.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Claim 1, lines 30 and 44, recited the limitation "... modules **may be** plugged into ...". However, the term "**may be**" is a relative term which renders the claim indefinite.

-Claim 1, line 31, recited the limitation " ...**in a quick-connect manner**".

However, the term " **a quick-connect manner**" is a relative term which renders the claim indefinite. The term " a quick-connect manner" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

#### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1 and 7-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 7,010,233 (Lindblad). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations recited in claims 1 and 7-9 of the instant application are encompassed by claims 1-15 of U.S. Patent No. 7,010,233 (Lindblad).

Regarding claim 1, Lindblad (US Patent No. 7,010,233) discloses a method of connecting a subscriber unit to a fiberoptic communication network via a fiberoptic interface device adapted to function as an interface device in a coarse wavelength division multiplex (CWDM) system, the method comprising:

- providing an electric circuit arrangement;

- providing a first receiving section adapted to receive a first opto-electric transceiver module including

- a first receiver unit for receiving optical signals from an optical conduction

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path, the first receiver unit comprising a first opto-electrical converter for converting the received optical signals to electrical signals, which are adapted to be conducted to said electric circuit arrangement, and

a first transmitter unit for transmitting optical signals to an optical conduction path, the first transmitter unit comprising a first electro-optical converter for converting electrical signals, received from said electric circuit arrangement, to optical signals before they are transmitted from the transmitter unit,

providing a second receiving section adapted to receive a second electric transceiver module including

a second receiver unit for receiving signals from an electrical conduction path, the second receiver unit comprising a second opto-electrical converter for converting the received optical signals to electrical signals, which are adapted to be conducted to said electric circuit arrangement, and

a second transmitter unit for transmitting signals to an conduction path, the second transmitter unit comprising a second electro-optical converter for converting the electrical signals, received from said electric circuit arrangement, to optical signals before they are transmitted from the transmitter unit;

wherein said first and second receiving sections are designed such that said first and second opto-electric transceiver modules may be plugged into the respective receiving section and unplugged therefrom in a quick-connect manner, and wherein each of the first and second receiving sections is configured to receive a transceiver module of a standardized size;

arranging said first opto-electric transceiver module in said first receiving section and connecting this first opto-electric transceiver module to said fiberoptic communication network (see claims 1, 6 and 11 of Lindblad).

Lindblad (US Patent No. 7,010,233) does not disclose providing a first electric transceiver module including: a receiver member arranged for receiving electrical

signals from an electrical conduction path and for conducting corresponding electrical signals to said electric circuit arrangement, and transmitter member for receiving electrical signals from said electric circuit arrangement and for transmitting corresponding electrical signals to an electrical conduction path, wherein said first electric transceiver module is also designed such that it may be plugged into one of said receiving sections and unplugged therefrom, arranging said first electric transceiver module in said second receiving section rather than the second opto-electric transceiver module, and connecting said interface device, via said first electric transceiver module, to said subscriber unit via electrical conduction paths . However, it would have been obvious to obtain a first electric transceiver module including: a receiver member arranged for receiving electrical signals from an electrical conduction path and for conducting corresponding electrical signals to said electric circuit arrangement, and transmitter member for receiving electrical signals from said electric circuit arrangement and for transmitting corresponding electrical signals to an electrical conduction path, wherein said first electric transceiver module is also designed such that it may be plugged into one of said receiving sections and unplugged therefrom, arranging said first electric transceiver module in said second receiving section rather

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than the second opto-electric transceiver module, and connecting said interface device, via said first electric transceiver module, to said subscriber unit via electrical conduction paths in order to provide the first optical transceiver module and the second electrical transceiver module plugged into the receiving sections and unplugged therefrom in a quick-connect manner.

Regarding claims 7 and 8, Lindblad (US Patent No. 7,010,233) discloses the first opto-electric transceiver module is connected to the fiberoptic communication network via a multiplexer/demultiplexer (see claims 7 and 8 of Lindblad).

Regarding claim 9, Lindblad (US Patent No. 7,010,233) discloses the interface device includes a circuit board, on which said electric circuit arrangement, said first receiving section and said second receiving section are arranged (see claim 1 of Lindblad).

### ***Allowable Subject Matter***

6. Claims 1-5 and 7-9 are allowable (if overcome the 112 rejection and double patenting).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**